

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** March 15, 2007  
**TIME:** 10:30 AM  
**LOCATION:** Rhodes State Office Tower, 30 East Broad Street, Lobby Conference Room,  
Columbus, Ohio 43215

Pursuant to section 5111.02 and Chapter 119, of the Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the recession and adoption of rules as identified below and a public hearing thereon.

ODJFS is updating OAC chapters 5101:3-1 and 5101:3-32 dealing with the PASSPORT and Choices HCBS Waiver programs. These changes are updating the rules to reflect changes to ODA rules on service specifications, to clarify qualified providers and to update rules in chapter 5101:3-32.

**Rule 5101:3-1-06.1 Home and Community-based service waivers: PASSPORT and 5101:3-1-06.4-Appendix A (Amendment) Home and Community-based waivers: CHOICES** are being amended to update each Appendix A to reflect billing maximum for the ERS services and to include a rate for alternative emergency response system device. These Appendices are being amended to reflect changes in ODA Rule 173-39-02.6 Emergency Response Systems to add this to the PASSPORT and CHOICES covered services of Emergency Response Systems. The effect of the amended rule is to add alternative emergency response system device as a unit to the list of rates for covered services. ODA rule 173-39-02.6 establishes ODA certified long-term care providers with the general requirements, documentation requirements and educational requirements in the provision of emergency response systems service interventions. The Ohio Department of Aging has proposed amending rule 173-39-02.6 to include a rate for alternative emergency response system device as a unit. There is no anticipated increase or decrease in annualized aggregate expenditures.

**Rule 5101:3-32-04 Provider Conditions of Participation for the Choices HCBS Waiver Program** is being amended to clarify which ODA Certified Providers can provide services in the Choices HCBS Waiver program. The previous version of the rule listed some, but not all of the providers. This amendment to the rule clarifies the list by including all types of providers who are eligible to participate.

**Rule 5101:3-32-07 Quality Assurance** is being rescinded because the contents are obsolete. The Ohio Department of Aging oversees case management through the PASSPORT Administrative Agencies and provisions for case management are outlined in the contracts with those agencies.

**Rule 5101:3-32-07 Choices HCBS Waiver Rate Setting** is being proposed. This rule outlines the methodology for determining provider rates for services under the waiver. This rule replaces a rule previously numbered 5101:3-32-08 and has been re-numbered to consolidate the chapter. There is no anticipated increase or decrease in annualized aggregate expenditures.

**5101:3-32-08 Choices HCBS Waiver Rate Setting** is being rescinded and has been re-numbered as 5101:3-32-07 to consolidate the chapter.

A copy of each proposed rule is available, without charge, to any person affected by the rule at the address listed below and at the county departments of job and family services. The rule is also available

on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad St, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).